

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33525 of 2023

Arising Out of PS. Case No.-99 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Suraj Kumar Singh, Son Of Ram Kishore Singh, Resident Of Village-
Barbatta, Ps- Musarigharari, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Y.C. Verma, Sr. Advocate Mr. Shyam Kishore, Advocate
For the State	:	Mr. Vinod Shanker Modi, APP
For the Informant	:	Mr. Mukesh Kumar No.1, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 182 of 2022 arising out of Musarigharari P.S. Case No. 99 of 2021 registered for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. This is the second attempt of the petitioner to seek bail from this Court. Earlier his prayer for bail was rejected by this Court vide order dated 07.12.2022 passed in Cr. Misc. No. 10735 of 2022.

3. As per prosecution case, son of the informant was shot dead by unknown miscreants. Later on the informant came



to know that the petitioner was involved in the murder of his son.

4. Learned senior counsel appering on behalf of the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court. Earlier his prayer for bail was rejected by this Court on the ground that murder weapon was stated to be recovered from the house of the petitioner but the said recovery is suspicious. Learned senior counsel further submits that though seizure list is stated to be prepared but the same has not been brought on record and no further investigation was made to show the said recovered weapon being the murder weapon of this case. Learned counsel further submits that the petitioner is in custody since 31.08.2021 and trial has not been concluded till date so the petitioner's right to liberty under Article 21 of the Constitution is affected. Moreover, the wife of the petitioner have been carrying pregnancy of seven months and there is no one to look after her and there are two minor children of the petitioner. Considering all the aforesaid facts and circumstances, the prayer for bail of the petitioner should be allowed.

5. Learned APP as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned



counsel for the informant submits that out of seven prosecution witnesses, four have been examined and two of them are eye-witnesses who saw the petitioner firing upon the only son of the informant. Learned counsel further submits that no new ground has been brought on record for considering the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties, I am unable to agree with the submission made on behalf of the petitioner that liberty of the petitioner is curtailed and there is violation of Article 21 of the Constitution since the petitioner has been put under custody under a process of law and has been charge-sheeted for the offence of murder as main assailant and trial has commenced and witnesses are being examined and I do not find any new ground to consider the prayer for bail of the petitioner. Hence, his prayer for bail is rejected.

(Arun Kumar Jha, J)

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